

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY HARRELL,

Petitioner,

v.

GERALD ROZUM ET AL.,

Respondents.

: CIVIL ACTION
: NO. 06-4616
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FILED

MAR 21 2008

MICHAEL J. ... Clerk
By RA Dep. Clerk

O R D E R

AND NOW, this **19th** day of **March 2008**, upon consideration of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, it is hereby **ORDERED** as follows:

1. The Report and Recommendation (doc. no. 16) is **APPROVED** and **ADOPTED** without objection from the Petitioner¹;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, (doc. no. 1) is **GRANTED** as to Harrell's conviction under the Pennsylvania Corrupt Organizations Act, 18 Pa. C.S.A. § 911. Execution of this portion of the order shall be **STAYED** for 180 days in order to permit the Commonwealth of Pennsylvania to vacate the

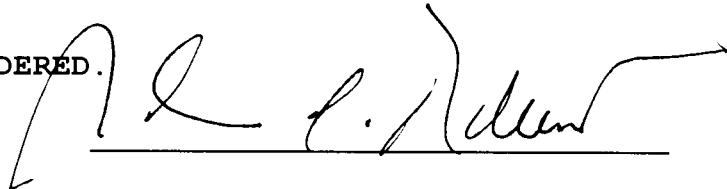
No objections were filed even though Petitioner received seven extensions of time in which to file objections. In total, Petitioner was granted over nine months in which to file objections.

conviction and re-sentence Harrell accordingly;

3. The remainder of Harrell's petition is **DENIED** and **DISMISSED** with prejudice;

4. There is no probable cause to issue a Certificate of Appealability.²

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

3/21/08

e-mail mail
J. Robreno A. Harrell

cc: SMIS

² A prisoner seeking a certificate of appealability must demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). No basis for a certificate of appealability exists in this case, as the petitioner is unable to meet this standard.